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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/503,960 | 02/14/2000 | Robert J. Ratterman | 003801.P002 | 7340 |

7590 04/22/2003

Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025

EXAMINER

BACHNER, REBECCA M

| ART UNIT | PAPER NUMBER |
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3623

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DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/503,960

Applicant(s)

RATTERMAN ET AL.

Examiner

Rebecca M Bachner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

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Detailed Action

This is a Final Office Action in response to amendment filed February 25, 2003.

Claims 1-21 are pending.

Response to Amendments

1. The examiner has considered the arguments presented by the applicant.

However, the 35 USC 103 rejections remain for claims 1-21.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epinions.com in view of Scharber et al (U.S. P.N. 6,374,290).

Applicant is reminded that this is a rejection over the services made available through the website Epinions.com. The following publications are used to support the rejection set forth below:

Various archived web pages of Epinion.com acquired from webarchive.org (WayBackMachine) ranging from Nov. 27, 1999 to Jan. 22, 2000 on pages 1-18.

Nick Patience in "Epinions Launches Online Shopping Guide Built on Trust" from Sept. 10, 1999 on pages 19-20.

As per claim 1, Epinions.com discloses a computerized method for determining a community rating for a particular user of a plurality of users within an electronic community comprising:

maintaining a characteristic value for each user of the plurality of users, characteristic value representing a rating for a given user (see pages 2-5, 9-11, and 19 paragraph 3, a characteristic value is maintained for each user; a user is rated as very useful or useful);

maintaining a set of relationships between the plurality of users (see pages 2-5, the relationships between the users is maintained through the web of trust);

Epinions.com does not explicitly disclose deriving a community rating for the particular user by performing a function on the characteristic values of the users of the plurality of users related to the particular user. However, Scharber does disclose a community rating based upon the users (see abstract, column 4, lines 43-63, the virtual community is given a rating). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Epinions.com to include a community rating as it would allow an outside user (a user not in that community or web of trust) to quickly determine the reputation of those group of users. Thus, a reputation is formed, and an outsider can quickly assess and form an opinion about all the users in the particular group.

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As per claim 2, Epinions.com discloses the method of claim 1, wherein the electronic community is a community for buying and selling merchandise over a network (see pages 1 and 9-11, the electronic community is a community for buying and selling software over a network).

As per claim 3, Epinions.com discloses the method of claim 2, wherein the network comprises the Internet (see pages 2-4, epinions.com is a network on the Internet).

As per claim 4, Epinions.com discloses the method of claim 1, wherein the characteristic value is based on feedback received from other users of the plurality of users in the electronic community (see pages 9-13, and 19, paragraphs 1-3, each customer can rate and share their recommendations; users rate the reviewers).

As per claim 5, Epinions.com discloses the method of claim 4, wherein the feedback is received from other users who have bought or sold goods or services with the particular user (see pages 9-13, the feedback is written by customers who bought or sold services from a user; also see page 19, paragraphs 1-3, feedback is received from users who have interacted with a particular user; a user is rated as very useful or useful);

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As per claim 6, Epinions.com discloses the method of claim 2 wherein the set of relationships includes sponsorship relationships between the particular user and any users of the plurality of users that were sponsored by the particular user (see page 9, Bonies7 web of trust shows her relationships with other users).

As per claim 7, Epinions.com discloses the method of claim 6. Epinions.com also discloses a member, such as Bonies7, web of trust members are listed and each of these member have other members of trust on their own websites (see page 9). Epinions.com does not inherently disclose wherein the relationships of the plurality of users can be represented as one or more n-ary trees. Tracing the relationship between Bonies7 and her fellow members of trust and their members of trust, forms a n-ary tree relationship.

As per claim 8, Epinions.com discloses the method of claim 6. Epinions.com discloses displaying information concerning the relationship between the plurality of users (see pages 3-5, and 9). Epinions.com does not explicitly disclose wherein information concerning the relationships between the plurality of users is stored in data structures for each user of the plurality of users. However, it is old and well known in the art to use data structures to maintain information and relationships about the users. For example, in Aho et al.'s book "Data Structures and Algorithms" the use of data structures for storing relationships (see page 87). Therefore, it would have been obvious

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for one of ordinary skill in the art to use data structures to maintain information about the users relationships as data structures reliably contain and save information.

As per claim 9, Epinions.com discloses the method of claim 8. Epinions.com discloses displaying information concerning the relationship between the plurality of users (see pages 3-5, and 9). Epinions.com does not explicitly disclose wherein the data structure for the particular user contains a pointer to at least one user of the plurality of users that was sponsored by the particular user. However, it is old and well known in the art to use pointers. Pointers are often used to show the relationship between entities. For example, in Aho et al.'s book "Data Structures and Algorithms" the use of pointers is shown in figure 3.12 in the data structure to show the relationship between the users (see page 87). Therefore, it would have been obvious for one of ordinary skill in the art to use data structures to maintain information about the users relationships using pointers with data structures as it allows one to quickly and accurately determine a users sponsorship and others in their web of trust.

As per claim 10, Epinions.com discloses the method of claim 1. Epinions.com does not explicitly disclose a recursive routine used in determining a community rating for the particular user. However, a recursive routine is old and well known in the art. Recursive routine is an efficient method for programming operations and information for the web of trust user ratings disclosed by Epinions.com. For example, Aho et al.'s book "Data Structures and Algorithms" discloses the use of a recursive routine used on an n-

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ary (see page 76). Therefore, it would have been obvious to one of ordinary skill in the art to disclose a recursive routine for the web of trust community rating as it would allow Epinions.com to easily determine a user's rating by recursively combining past reviews about the user. It would also have allowed Epinions.com to efficiently program in information for the web of trust user ratings.

As per claim 11, Epinions.com discloses the method of claim 10. Epinions.com does not explicitly disclose wherein the community rating and the characteristic values are numerical. However, it is old and well known in the art to have numerical values. For example, Bushley et al. (U.S. P.N. 6,405,159) discloses numerical ratings (see column 10, lines 40-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to rate the users of the electronic community with numerical values as Epinions.com currently only rate their users with useful, very useful, etc. and numerical values would be a clear way to determine the value of a user's recommendation.

As per claim 12, Epinions.com discloses the method of claim 11 and a user being part of a community where each individual user contains a characteristic value and users are lineal descendants (see page 9, Bonies7 has a web of trust. The people in her web of trust are the first layer of lineal descendants). Epinions.com does not explicitly disclose wherein the community rating is an aggregate of the characteristic value. However, Scharber does disclose a community rating based upon the users (see

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abstract, column 4, lines 43-63, the virtual community is given a rating). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Epinions.com to include a community rating as it would allow an outside user (a user not in that community or web of trust) to know the reputation of those group of users.

As per claim 13, Epinions.com discloses a method comprising:

maintaining a reputation value on each user of a plurality of users within an electronic trading community through which goods and services are bought and sold, the reputation value being derived for a particular user of the plurality of the users from feedback received concerning the particular user from other users of the plurality of the users (see pages 2-5, and 19 paragraph 3, a characteristic value is maintained for each user; a user is rated as very useful or useful);

maintaining a set of relationships between the plurality of users, the set of relationships including sponsorship relationships between the particular user and any users of the plurality of the users that were sponsored by the particular user (see pages 2-5, the relationships between the users is maintained through the web of trust);

Epinions.com also discloses a member, such as Bonies7, web of trust members are listed and each of these member have other members of trust on their own websites (see page 9). Epinions.com does not inherently disclose wherein the relationships of the plurality of users can be represented as one or more n-ary trees. Tracing the

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relationship between Bonies7 and her fellow members of trust and their members of trust, forms a n-ary tree relationship.

Epinions.com does not explicitly disclose deriving a community rating for the particular user by aggregating the reputation value for each user of the plurality of users that is related to the particular user through a linear sponsorship succession as can be represented by the n-ary tree in which the particular user is the root of the n-ary tree. However, Scharber does disclose a community rating based upon the users (see abstract, column 4, lines 43-63, the virtual community is given a rating). Epinions.com creates a community of trust with users that each contain a characteristic value. The values of the Epinion.com users can be combined to create the community rating as described by Scharber. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to disclose Epinions.com having a community rating as it would allow an outside user (a user not in that community or web of trust) to know the reputation of those group of users.

As per claim 14, Epinions.com discloses a computer-readable medium having computer executable instructions for performing a method in a computer system for determining a community rating for a particular user of a plurality of users within an electronic community comprising:

maintaining a characteristic value for a each user of the plurality of users, each characteristic value representing a rating for a give user (see pages 2-5, 9-11, and 19

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paragraph 3, a characteristic value is maintained for each user; a user is rated as very useful or useful);

maintaining a set of relationships between the plurality of users (see pages 2-5, the relationships between the users is maintained through the web of trust);

deriving a community rating for the particular user by performing a function on the characteristic values of the users of the plurality of users related to the particular user (see pages 11-13, the rating is derived for the users based on the people in the web of trust rating the user; a user is rated as very useful or useful);

As per claim 15, Epinions.com discloses the computer-readable medium of claim 14, wherein the electronic community is a community for the buying and selling of merchandise using an electronic forum (see pages 1 and 9-11, the electronic community is a community for buying and selling software using an electronic forum).

As per claim 16, Epinions.com discloses the computer-readable medium of claim 15, wherein the characteristic value is based on feedback received from other users of the plurality of users in the electronic community (see pages 9-13, and 19, paragraphs 1-3, each customer can rate and share their recommendations; users rate the reviewers).

As per claim 17, Epinions.com discloses the computer-readable medium of claim 16, wherein the set of relationships includes sponsorship relationships (see page 9, Bonies7 web of trust shows her relationships with other users).

As per claim 18, Epinions.com discloses the computer-readable medium of claim 17. Epinions.com does disclose a user being part of a community where each individual user contains a characteristic value and users are lineal descendants (see page 9, Bonies7 has a web of trust. The people in her web of trust are the first layer of lineal descendants). Epinions.com does not explicitly disclose a numeric value for the characteristic values or a recursive routine. However, using a numeric value and a recursive routine are old and well known in the art. For example, Bushley et al. (U.S. P.N. 6,405,159) discloses numerical ratings (see column 10, lines 40-52) and Aho et al.'s book "Data Structures and Algorithms" discloses the use of a recursive routine used on an n-ary (see page 76). Therefore it would have been obvious for one of ordinary skill in the art to use a numeric value and a recursive routine as it allows a user to quickly access a user. Epinions.com does not explicitly disclose wherein the community rating is an aggregate of the characteristic value. However, Scharber does disclose a community rating based upon the users (see abstract, column 4, lines 43-63, the virtual community is given a rating). Epinions.com creates a community of trust with users that each contain a characteristic value. The values of the Epinions.com users can be combined to create the community rating as described by Scharber. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to

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disclose Epinions.com having a community rating as it would allow an outside user (a user not in that community or web of trust) to know the reputation of those group of users.

As per claim 19, Epinions.com discloses a computer system for determining a community rating for a particular user of a plurality of users within an electronic community. Epinions.com also discloses maintaining characteristic values for each user and user relationships (see pages 2-5, 9-13, and 19 paragraph 3).

However, Epinions.com does not explicitly disclose deriving a community rating. However, Scharber does disclose a community rating based upon the users (see abstract, column 4, lines 43-63, the virtual community is given a rating). Epinions.com creates a community of trust with users that each contain a characteristic value. The values of the Epinion.com users can be combined to create the community rating as described by Scharber. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to disclose Epinions.com having a community rating as it would allow an outside user (a user not in that community or web of trust) to know the reputation of those group of users.

Epinions.com also does not explicitly disclose a storage device having stored therein information and data and a processor coupled to the storage device for executing the one or more routines to derive the one or more community ratings. As Epinions.com is composed of a communications network used over the Internet, it uses a computer which contains a storage device and a processor. Therefore, it would have

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been obvious to one of ordinary skill in the art at the time of the invention to disclose a storage device for the data and a processor to derive the community ratings as they would reliably store and efficiently process the information sent by the users to determine the community ratings.

As per claim 20, Epinions.com discloses the computer system of claim 19, further comprising a network interface connected with a communications network over which data and information related to and including the one or more characteristic values and one or more community values for each user of the plurality may be transmitted (see pages 1, 9-11, and 19, the system's network is the internet which allows data and information to be exchanged. This data includes characteristic values and community values of a user. The user can be rated as very useful or useful).

As per claim 21, Epinions.com discloses the method of claim 1, wherein the rating comprises a reputation value (see pages 9-11, the rating for the user, very useful, useful and somewhat useful, are reputation values).

Response to Arguments

4. The applicant argues that 1) Epinions.com does not teach or suggest maintaining a rating for each of the users in an electronic community; 2) Scharber does not teach a relationship between users; 3) Scharber does not teach performing a function on a rating to derive a community rating or obtaining the community rating by performing a function on the characteristic values of the users related to the particular user; 4) Scharber is non-analogous art; 5) there is no motivation to combine Scharber and Epinions.com; and 6) Epinions.com and Scharber do not together teach the invention as recited in the claims.

5. As per argument 1, Epinions.com does teach maintaining a rating for each of the users in an electronic community. As shown on pages 9-11, the user is rated based on the value of their information concerning a particular type of product. These opinions, both for the user and the product, are maintained on the website. Furthermore, an overall user rating is maintained for the users in the electronic community as the user can be given the rating "expert". The idea of the expert, explained on page 8, is a rating maintained and given to someone who is selected based on the quality and quantity of his/her ratings.

As per argument 2, Scharber does not teach a relationship between users. The examiner used the Scharber reference to teach the idea of a community rating. The web of trust and the relationship between the users is taught by Epinions.com.

As per argument 3, Scharber does teach a community rating. In the abstract, and column 4, lines 42-63, Scharber teaches a community of users on a network and having a rating assigned to that community. Scharber does not explicitly disclose a function used to derive that rating. However, the rating must be created in some way for the rating to mean anything. For example, if one was given the rating 5, 5 would only be meaningful if one knew what the highest or lowest rating available to the group. The rating of 5 would be meaningless if it was arbitrary and there was no criteria to arrive at the number. Therefore, it would be obvious to one of ordinary skill in the art to perform a function to derive a community rating as this would be an efficient and accurate way to create the rating for the community. Furthermore, Scharber in combination with Epinions.com teach performing a function on a rating to derive a community rating and performing a function on the characteristic values of the users related to the particular user. As Epinions.com already teaches establishing ratings for the users and a community through the web of trust, these user ratings can be combined to create the group rating discussed in Scharber. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Epinions.com to include a community rating as it would allow an outside user (a user not in that community or web of trust) to quickly determine the reputation of those group of users in the web of trust. Thus, a reputation is formed, and an outsider can quickly assess and form an opinion about all the users in the particular community.

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As per argument 4, in response to applicant's argument that Scharber is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Scharber and Epinions.com both disclose the use of ratings in virtual communities. Scharber rates the group, while Epinions.com rates the individual. However, they are analogous art in that they both deal with the same issue of assigning ratings through a network.

As per argument 5, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Epinions.com already teaches rating users in a network of users that is connected through a web of trust. Epinions.com's web of trust is a community. The idea of rating a community is taught in Scharber and it would be obvious to combine Epinions.com with Scharber as it allows one to have an overall rating for the community.

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As per argument 6, as addressed above, Epinions.com and Scharber do teach the invention disclosed in the claims. Epinions.com teaches the use of rating a particular user. Epinions.com also teaches the user creating a community through the web of trust while Scharber teaches the idea of rating a community (or group) of users. When combining the two references it would be obvious that the individual rating would effect or help create the community rating. Therefore, these references in combination teach the invention as claimed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rebecca Bachner** whose telephone number is 703-305-1872. The examiner can normally be reached on Monday - Friday from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on **(703)305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 305-7687 Official communications; including After Final communications labeled "Box AF"

(703) 746-7306 Informal/Draft communications, labeled "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

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April 17, 2003


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600